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September 6, 2024

VIA ECF

Magistrate Judge James M. Wicks
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, New York 11722

Re: Alisha Price v. Kohn, Swift & Graf, P.C. and Neil L. Glazer
Case No: 24-cv-04720 (JMW)
Our File No. : 08104.00192

Dear Judge Wicks:

I represent the Defendants in the above-referenced matter. I write to request permission to move to change the venue of this matter pursuant to F.R.C.P. § 12(b)(3) and/or 28 U.S.C. § 1404. There is no Article III judge assigned to this matter at this time. Our response to the Complaint in this action is currently due on September 9, 2024.

On September 4, 2024, I wrote to Plaintiff's counsel requesting that they consent to the transfer of this matter to the appropriate forum but, as of today, I have not heard back.

As the Court may be aware, this is a legal malpractice action arising out of my client's representation of the Plaintiff. The Retainer Agreement signed by the parties contains a forum selection clause that provides for the adjudication of any disputes arising out of or relating to the Agreement to be resolved in Pennsylvania. A copy of the Retainer Agreement is annexed hereto as **Exhibit "A"**. As the Court is aware, forum selection clauses are presumptively valid. *See, S.K.I. Beer Corp. v. Baltika Brewery*, 612 F.3d 705 (2d Cir. 2010). Further, none of the parties reside in New York.

Accordingly, Defendants respectfully request permission to move to change the venue of this action to the appropriate forum in Philadelphia, Pennsylvania unless Plaintiff consents to the change of venue.

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In the event the Court denies permission to move to change the venue of this matter, Defendants request an additional thirty (30) days to respond to the Complaint either through filing an Answer or seeking permission to move to dismiss the Complaint or any part thereof pursuant to F.R.C.P. § 12(b).

Respectfully submitted,



Nicholas P. Chrysanthem

NPC/kro;
Attachment

cc: **VIA ECF**

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